

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

Aspire Commodities, L.P. and Raiden  
Commodities, L.P.

Plaintiffs,

v.

GDF SUEZ Energy North America, Inc.;  
Ennis Power Company, LLC; Wise County  
Power Company, LLC; Midlothian Energy,  
LLC, Hays Energy, LLC; Wharton County  
Generation, LLC; and Coleto Power, LP,

Defendants.

Case No. 4:14-cv-01111

**JOINT MOTION TO SET BRIEFING SCHEDULE, EXTEND PAGE LIMIT AND RE-  
SET INITIAL PRETRIAL AND SCHEDULING CONFERENCE**

Plaintiffs, Aspire Commodities, L.P. and Raiden Commodities, L.P. (collectively, “Plaintiffs”) and Defendants GDF SUEZ Energy North America, Inc.; Ennis Power Company, LLC; Wise County Power Company, LLC; Midlothian Energy, LLC; Hays Energy, LLC; Wharton County Generation, LLC; and Coleto Power, LP, (collectively, “Defendants”) hereby submit this joint motion to set briefing schedule, extend page limit and re-set the initial pretrial and scheduling conference. In support thereof, the parties respectfully show the following:

1. Defendants filed their motion to dismiss on June 23, 2014. Plaintiffs filed their First Amended Complaint for Damages and Injunctive Relief and Declaratory Relief on July 14, 2014, mooted Defendants’ motion.

2. Defendants intend to file a Motion to Dismiss in response to the First Amended Complaint. The parties are mindful of the Court’s previous Order denying Defendants’ Motion for Leave to Exceed Page Limit [Docket #5], but respectfully request, in light of Plaintiffs’ 95-

page Amended Complaint, that a briefing schedule be established, page limits be extended and to re-set the date for the initial pretrial and scheduling conference. The parties have agreed to, and request entry of, the following schedule:

3. Defendants' Motion to Dismiss shall be filed on or before August 8, 2014.
4. Plaintiffs' response to Defendants' Motion to Dismiss shall be filed on or before September 5, 2014.
5. The parties jointly move for leave to extend the page limitations from 25 pages to 35 pages for Defendants' Motion to Dismiss and from 25 pages to 35 pages for Plaintiffs' Response to Defendants' Motion to Dismiss. This request for additional pages is being made in order to allow the parties' an opportunity to fully and fairly brief the issues.
6. The parties request that the Court reschedule the scheduling conference currently set for August 15, 2014, to the week of September 15 or the week of September 22, so that the Court will have the parties' full briefing prior to the conference.

For the foregoing reasons, Plaintiffs and Defendants respectfully and jointly request that the Court grant this motion and enter the above, agreed schedule and extend the page limits as set forth above.

DATED: July 17, 2014.

Respectfully submitted,

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By: /s/ Stephen B. Crain

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POWER COMPANY, LLC; MIDLOTHIAN  
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WHARTON COUNTY GENERATION, LLC;  
AND COLETO POWER, LP

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**CERTIFICATE OF SERVICE**

I certify that on July 17, 2014, I electronically filed this motion with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record who have consented to electronic notification, including counsel for Plaintiffs, Barrington M. Hammond, Jr.

/s/ Stephen B. Crain

**CERTIFICATE OF CONFERENCE**

I certify that on July 16, 2014, I conferred with counsel for Plaintiffs, Barrington M. Hammond, Jr., and Plaintiffs agreed to join in this motion.

/s/ Tony L. Visage